REMARKS

The Non-Final Office Action mailed October 13, 2006 considered and rejected claims 1–21, 33, 34. Claims 1–3, and 5–19, 33, and 34 were rejected under 35 U.S.C. § 102(b) as anticipated by Rothermel, U.S. Patent No. 6,678,827. Claims 4, 20 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rothermel and Saulpaugh, U.S. Patent No. 6,850,979.[1] The rejections of claims 1–21 and 33–34 were appealed to the Board of Patent Appeals and Interferences. Each rejection of claims 1–21 and 33–34 was affirmed in the Decision on Appeal.[2] By this amendment, the Applicants desire to re-open prosecution subsequent to the Decision on Appeal.

By this response, claims 1, 33, and 34 are amended. Claims 1–21 and 33–34 remain pending. Claims 1, 33, and 34 are independent claims which remain at issue. Support for the amendments may be found, *inter alia*, within Specification ¶¶ 0004–06, 0035, 0049, and 0053–55.[3]

Rejections Under 35 U.S.C. § 102:

Claims 1–3, and 5–19, 33, and 34, of which claims 1, 33, and 34 are independent claims, were rejected under 35 U.S.C. § 102(b) as anticipated by Rothermel.[4] Independent claims 1, 33, and 34 have now been amended to more particularly point out particular embodiments of the invention and the Applicants submit that Rothermel fails to teach or suggest each and every element of the claims as now presented.

As reflected in the claims, the present invention is directed generally toward embodiments for application and use of a common security policy which may be implemented on multiple platforms and by multiple users despite the platforms using distinct transport and security protocols and underlying cryptographic techniques. As noted in the Specification, previously existing security systems generally focused on specific cryptographic technologies. The present invention, however, implements a common security policy which is transport and security protocol independent and that can simultaneously support multiple cryptographic

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[1] Office Communication p. 2 et seq. (paper no. 20061002, Oct. 13, 2006).

[2] Decision on Appeal, Board of Patent Appeals and Interferences (June 23, 2011) (Decision).

[3] It should also be noted that the claims as recited take support from the entire Specification. As such, no particular part of the Specification should be considered separately from the entirety of the Specification.

[4] Office Comm. pp. 3–9 & 13; *see also* Decision.

technologies. The invention as now claimed abstracts cryptographic objects and operations to make the system independent of the underlying cryptographic technologies which may be employed by computer devices within the system.

Claim 1 recites, for instance, in combination with all the elements of the claim, a distributed security system which includes a security policy written in a security protocol independent security policy language and a plurality of computer devices within the distributed security system. The security policy comprises, *inter alia*, abstract cryptographic objects such that the security policy is implemented independent of a plurality of underlying cryptographic technologies. A first and second computer device within the security system can then, according to the common security policy, process data wherein the first computer device performs authentication and processes data in accordance with the common security policy according to a first cryptographic technique and the second computer device performs authentication and processes data in accordance with the common security policy according to a second cryptographic technique (where the first cryptographic technique is different from the second cryptographic technique).

Claims 33 and 34 recite a method and computer program product embodiment, respectively, related to the security system of claim 1

Rothermel, cited in the 35 U.S.C. § 102 rejections of the independent claims, discloses a manager device which manages multiple network security devices.[5] Unlike the invention as now recited in the claims, however, Rothermel fails to discuss or disclose a common security policy which comprises abstract cryptographic objects such that the security policy is implemented independent of a plurality of underlying cryptographic technologies and which allows that multiple devices within a security system – each of which using a different and distinct cryptographic technology to process data – may process data according to the common security policy.

In particular, the cited Rothermel fails to teach or make obvious a security policy which comprises abstract cryptographic objects such that the security policy is implemented independent of a plurality of underlying cryptographic technologies. Rothermel fails to teach or make obvious a first and a second computer device processing data in accordance with the security policy, wherein the first computer device performs authentication and processes data in

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[5] *See, generally*, Rothermel.

accordance with the security policy according to a first cryptographic technique and the second computer device performs authentication and processes data in accordance with the security policy according to a second cryptographic technique, the first cryptographic technique different from the second cryptographic technique.

Because of at least the distinctions noted, *inter alia*, the Applicants submit that rejections of independent claims 1, 33, and 34 under 35 U.S.C. § 102(b) as anticipated by Rothermel would be improper and should be withdrawn. Accordingly, the Applicants respectfully request favorable reconsideration of each of independent claims 1, 33, and 34 as now presented (as well as each of the respective dependent claims).

Rejections Under 35 U.S.C. § 103:

Dependent claims 4, 20 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable in view of Rothermel and in view of Saulpaugh.[6] As discussed above, independent claim 1, from which each of claims 4, 20 and 21 depend, has now been amended. The Applicants submit that, in view of the present amendments, independent claim 1 should now be in condition for allowance and, accordingly, so, too, should dependent claims 4, 20 and 21.

The Applicants additionally note that Saulpaugh, considered both separately and in combination with the other cited reference(s), also fails to teach or suggest a common security policy which comprises abstract cryptographic objects such that the security policy is implemented independent of a plurality of underlying cryptographic technologies. Saulpaugh also fails to teach or suggest first and second computer devices process data in accordance with the security policy of the distributed security system, wherein the first computer device performs authentication and processes data in accordance with the security policy according to a first cryptographic technique and the second computer device performs authentication and processes data in accordance with the security policy according to a second cryptographic technique, the first cryptographic technique different from the second cryptographic technique.

Because of at least the distinctions noted, *inter alia*, the Applicants submit that rejections of claims 4, 20 and 21 under 35 U.S.C. § 103(a) as being unpatentable in view of Rothermel and in view of Saulpaugh would be improper and should be withdrawn. Accordingly, the Applicants respectfully request favorable reconsideration of each of claims 4, 20 and 21 as now presented.

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[6] Office Comm. pp. 10–13; *see also*, Decision.

In view of the foregoing, Applicant respectfully submits that other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; and/or (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefore and charge any additional fees that may be required to Deposit Account No. 23-3178.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

Dated this 23rd day of August, 2011.

Respectfully submitted,

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